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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,908	07/24/2001	Makoto Kimura	2001_1052A	2788

513 7590 07/05/2006

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/910,908	<b>Applicant(s)</b> KIMURA, MAKOTO	
	<b>Examiner</b> Sumaiya A. Chowdhury	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/25/01, 4/18/02, 9/1/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

***Election/Restrictions***

1. Applicant's election without traverse of claims 8, 10, and 11, in the reply filed on 2/27/06 is acknowledged.
2. Claims 1-7, 9, and 12-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/27/06.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barone (US 2005/0005303) in view of Shoff (6240555).

As for claim 8, Barone teaches an information service system linked to a broadcasting system, comprising:

at least one content provider (broadcast station 18 – Fig. 6) for multicasting at least one combination of a content (TV signal) and an index (embedded ITV data; ITV

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data is a URL link or a trigger inserted into the program being broadcast from the broadcast station— [0044], [0045] & [0047]) over the Internet (21 – Fig. 6) to users,

the content (TV signal) being associated with a program which is broadcast from a broadcasting center (The TV signal is broadcasted from broadcast station 18 – [0045]),

and the index (ITV data) containing at least a time period during which the program is being broadcast (Referring to paragraph [0047], ITV data used to receive content for commercial slot 1 on channel 3 for the 7:00 pm to 8:00 pm program will be linked to retrieve data from a particular server. Therefore, the ITV data contains a time period during which the program is being broadcast.)

facilities of each of the user sides, which comprise:

a monitor device (display 23 – Fig. 6) for receiving and presenting the broadcast program signal;

a storage device (ITV receiver 20 – Fig. 6) for storing the content multicast from the content provider ([0037], [0049]).

an indication device (display 23 – Fig. 1) for, in response to an extraction of the index (embedded ITV data), indicating that the index corresponding to the content previously stored in the storage device, has been received (In response to extracting the embedded command, the content is displayed at the appropriate time, indicating that the content stored has been received – [0050])

an information presentation device (display 23 – Fig. 3) for presenting the content; and

a retrieving device (ITV receiver 20 – Fig. 6), for retrieving a content having an index containing a time period including the current time of the manipulation, from the storage device to provide the information presentation device (The receiver retrieves the content stored in a buffer or temporary storage and displays it – [0050]. Since the receiver retrieves content as instructed by the ITV data for commercial slot 1 on channel 3 for the 7:00 pm to 8:00 pm program, the index must contain a time period including the current time of the manipulation – [0047]).

However, Barone fails to disclose:

a manipulation device including at least a content presentation button manipulated by the user and

while the display screen indicates reception of the index, the user presses the content presentation button and the content is then retrieved

In an analogous art, Shoff teaches that the display screen displays an icon indicating supplemental content is available, which is retrieved and displayed when the user presses a particular button (content presentation button) on the remote control (manipulation device) – col. 9, lines 30-57.

It would have been to one of ordinary skill in the art at the time of applicant's invention to modify Barone's system to include that the display screen displays an icon indicating supplemental content is available, which is retrieved and displayed when the user presses a particular button on the remote control, as taught by Shoff, for the advantage of providing the ease of remotely selecting to view desirable content with just a press of a button.

As for claim 10, Barone and Shoff disclose the claimed limitations. In particular, Barone teaches wherein the retrieving device (receiver 20 – Fig. 3) is incorporated in a user terminal connectable to the Internet – [0029].

As for claim 11, Barone and Shoff disclose the claimed limitations. In particular, Barone teaches wherein the monitor device and information presentation device are the same device (The display 23 as illustrated in Fig. 6, receives and presents the broadcast program signal as required by the monitor device and presents the content as required by the information presentation device - see claim 8).

### ***Conclusion***

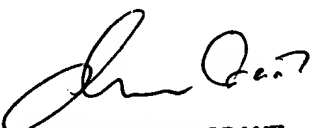
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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